



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/736,690

12/17/2003

Javier B. Arellano

P24306

4131

7055 7590 12/16/2008  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

PARKER, BRANDON

ART UNIT

PAPER NUMBER

2174

NOTIFICATION DATE

DELIVERY MODE

12/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,690	<b>Applicant(s)</b> ARELLANO ET AL.	
	<b>Examiner</b> BRANDON PARKER	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments, see Remarks, filed 09/15/2008 with respect to the rejection(s) of claim(s) 1-5 and 13-17 under 35 U.S.C. 103 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Consolatti et al (US Patent 6289363).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US Patent 5,564,005 hereinafter, "Weber") in view of Consolatti et al (US Patent 6289363).

- Weber teaches a method for dynamically creating and delivering interactive personalized content in an electronic environment, comprising: (correlates to user information/personalized Abstract lines 1-7), (storage medium/computer readable medium storing, Weber Claim 1), (computer program/code for executing Col. 9 lines 43-46).

Art Unit: 2174

- providing a narrative framework (time zone, Abstract); sequencing and editing the narrative framework, based upon a profile of a user (i.e. usage patterns, Col. 27 lines 28-32), to create a dynamically generated narrative (Abstract, Col 9 line 48);
- modifying (i.e. manipulating) the dynamically generated narrative (i.e. display objects), (Col. 27 lines 50-53) based upon a delivery context (Col. 16 lines 49-58); and rendering the modified narrative for presentation of a user (Weber Claim 11, Abstract);
- Weber does not explicitly show providing a narrative framework which comprises content elements, each content element comprising a plurality of types of representations having different media characteristics, and the content elements facilitating modification based upon a delivery content but does provides a system comprised of a time zone (i.e. dynamically generated narrative) into which the system user may enter information.
- **Consolatti discloses** invention provides a part or framework usable in a power tool environment which enables individual scenes within a multimedia story being created (i.e. personalized) to be linked directly to parts or applications external to the multimedia story such that processing can jump directly from a scene to an external application or part, wherein each scene may include content such as text,

Art Unit: 2174

graphics, animation, video clips, music, etc., and/or one or more "hot spots" through which the end user may interact with the scene.

- It would have been obvious to one skilled in the art at the time of invention to combine the multimedia created story content as taught by Consolatti with the narrative framework system of Weber to efficiently and effectively customize and personalize distributed media.

Claim 13 is similar in scope to claim 1 and is therefore rejected under similar rationale.

With respect to claim 2

- Weber teaches a method comprising updating (i.e. modifications to) the user profile based on a user interaction history (i.e. recalling memories). (Col 4 lines 40-44).

Claim 14 is similar in scope to claim 2 and is therefore rejected under similar rationale.

With respect to claim 3

- Weber teaches a method in which the user profile is created by gathering data from the user, analyzing a history of the user, monitoring data related to the user, and detecting patterns and trends of the user. (recalling memories/history, pattern, trends Col 4 40-44, compare/analyzing, determining/detecting Col 9 lines 29-32).

Art Unit: 2174

Claim 15 is similar in scope to claim 3 and is therefore rejected under similar rationale.

With respect to claim 4

- Weber teaches a method in which the delivery context comprises a display area (Col 15 lines 8-11).

Claim 16 is similar in scope to claim 4 and is therefore rejected under similar rationale.

With respect to claim 5

- Weber teaches a method in which the delivery context comprises a network connection (Col 15 lines 50-56).

Claim 17 is similar in scope to claim 5 and is therefore rejected under similar rationale.

With respect to claim 6

- Weber teaches a method in which the narrative framework further comprises content elements, each content element comprising a plurality of types of representations having different media characteristics, facilitating modification based upon delivery context (manipulation/modification, pixels, symbols, numbers/media characteristics Col 9 19-26).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 730- 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker  
Patent Examiner  
Art Unit 2174

/Stephen S. Hong/  
Supervisory Patent Examiner, Art Unit 2178